

Message Text

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PAGE 01 STATE 063560
ORIGIN L-03

INFO OCT-01 NEA-10 ISO-00 /014 R

DRAFTED BY L/M:KEMALMBORG:AD
APPROVED BY L/M:KEMALMBORG
NEA/EX - MR. CONNOLY
-----090940 131929Z /46
R 131546Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY TEL AVIV

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E.O. 11652: N/A

TAGS: CPRS

SUBJECT: AVNER INSURANCE COMPANY

REF: TEL AVIV 3008

1. DEPARTMENT WOULD NOT INTERPOSE OBJECTION TO MRS. DEAN FILING CLAIM, WHICH AMOUNTS TO WAIVER OF DIPLOMATIC IMMUNITY. SHE AND EMBASSY SHOULD BE AWARE THAT UNDER ARTICLE 32, PARA 3, OF VIENNA CONVENTION ON DIPLOMATIC RELATIONS, FILING SUCH PROCEEDINGS RESULTS IN WAIVER OF IMMUNITY AS TO ANY COUNTER CLAIM DIRECTLY CONNECTED WITH HER CLAIM.

2. WE UNABLE TO EXECUTE REQUESTED WAIVER ON BASIS INFORMATION REFTEL BECAUSE UNDER TITLE 5 UNITED STATES CODE, SECTION 8131, USG IS SUBROGATED TO RIGHTS OF BENEFICIARY TO EXTENT OF COMPENSATION, IF ANY, PAID FOR DEATH RESULTING FROM PERSONAL INJURY SUSTAINED BY EMPLOYEE WHILE IN THE PERFORMANCE OF HIS DUTY. WHILE THIS PARTICULAR OBSTACLE
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CAN BE OVERCOME BY SHOWING THAT NO CLAIM FOR GOVERNMENT EQUIVALENT OF WORKMEN'S COMPENSATION HAS BEEN FILED, OR WILL BE FILED, WE NOT CLEAR WHY USG SHOULD WAIVE SUCH RIGHTS AS IT MIGHT HAVE, E.G. AS RESULT OF SURVIVOR'S ANNUITY AND GOVERNMENT LIFE INSURANCE. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 13 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE063560
Document Source: CORE
Document Unique ID: 00
Drafter: KEMALMBORG:AD
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780111-1037
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780375/aaaaciki.tel
Line Count: 60
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b44374c8-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 TEL AVIV 3008
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 25 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3351179
Secure: OPEN
Status: NATIVE
Subject: AVNER INSURANCE COMPANY
TAGS: CPRS, AVNER INSURANCE CO
To: TEL AVIV
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/b44374c8-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014